

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ATLAS IP, LLC,

Plaintiff,

v.

TEXAS-NEW MEXICO POWER
COMPANY.,

Defendant.

§
§
§ CIVIL ACTION NO. 6:16-CV-01214-JRG
(LEAD CASE)

§
§ CIVIL ACTION NO. 2:16-CV-1396-JRG
(CONSOLIDATED CASE)

v.

DENTON COUNTY ELECTRIC
COOPERATIVE, INC., d/b/a COSERV
ELECTRIC,

Defendant.

§
§ CIVIL ACTION NO. 2:16-CV-1395-JRG
(CONSOLIDATED CASE)

v.

EKAHAU, INC. and AIRISTA, LLC,

Defendant.

§
§ CIVIL ACTION NO. 6:16-CV-1232-JRG
(CONSOLIDATED CASE)

ORDER

The Court enters this Order *sua sponte*. Plaintiff Atlas IP, LLC (“Atlas”) filed complaints against multiple defendants, with each complaint alleging infringement of U.S. Patent No. 5,371,734 (“the ’734 Patent”). Subsequently, the Court consolidated such cases for pretrial purposes and Defendants Texas-New Mexico Power Co., Denton County Electric Cooperative, Inc., and Ekahau, Inc. (“Defendants”) filed Motions to Dismiss for Failure to State a Claim (Dkt. Nos. 15, 52, 58). In its review of these Motions, the Court has become aware that the Motions all largely turn on the constructions of: 1) the “by using the information transmitted from the hub”

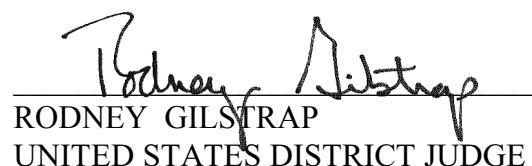
term of the “powering off” limitation; and 2) the “assign[],” “transmit[],” and “allocate[e]” a “predetermined amount of time of the transmission opportunity [] for a remote to transmit frames to the hub” term of the “frame” limitation of Claim 12 of the ’734 Patent. Accordingly, the Court has concluded that, in these particular circumstances, an early claim construction regarding these elements would best serve the interests of efficiency and judicial economy.

Accordingly, the Court hereby **ORDERS** that a claim construction hearing in this case be set for August 18, 2017, at 1:30 pm in Marshall, Texas. This claim construction hearing will be limited to disputed terms from the “powering off” and “frame” limitations of Claim 12 of the ’734 Patent. The Court further **ORDERS** Plaintiff and all Defendants to meet-and-confer and then jointly submit to the Court a list of proposed terms in need of construction stemming from the “powering off” and “frame” limitations of said Claim 12, such joint report from the parties to be submitted within **fourteen (14) days** from the date of this Order.

After receiving the parties’ submissions, the Court will enter an order identifying the list of terms to be briefed and argued at this claim construction hearing. The Court at that time will also set claim construction deadlines for such hearing.

To further promote the conservation of the resources of all parties and the Court, all other deadlines in this case are hereby **STAYED** until entry by the Court of a claim construction opinion relative to the above process or until the entry of a subsequent order of the Court lifting such stay, whichever occurs earlier.

So ORDERED and SIGNED this 13th day of June, 2017.


RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE